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JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
Omata et al. : DECISION ON APPLICATION
Application No. 10/772,593 : FOR
Filed: February 6, 2004 : PATENT TERM ADJUSTMENT
Atty Docket No. 040302-0382 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed April 14, 2008. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from ninety-two (92) days to two hundred ninety-nine (299) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is **two hundred ninety-nine (299) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 15, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 92 days. On April 14, 2008, applicant timely submitted the instant application for patent term adjustment¹. Applicant disputes the reduction of 115 days associated with the filing of a response to the restriction requirement mailed August 25, 2005. Applicant states that their response was filed on October 21, 2005. A copy was resubmitted

¹ PALM records indicate that the Issue Payment was also filed on April 15, 2008.

on March 20, 2006, with proof in the form of a date-stamped and itemized postcard of the originally filing on October 21, 2005.

Applicant states that this patent is not subject to a terminal disclaimer.

Applicant's arguments have been considered and found persuasive. The evidence of record makes clear that the response to the restriction requirement mailed August 25, 2005 was filed on October 21, 2005. Further, this was within the three month period provided for in 37 CFR 1.704(b). There was no applicant delay. The period of reduction of 115 days is being removed.

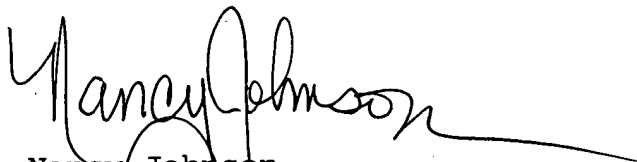
Finally, as the response was received on October 21, 2005, as shown by the postcard, a period of adjustment of 92 days is properly entered pursuant to 37 CFR 1.702(a)(2) for the Office taking until January 15, 2008 to mail the notice of allowance in response.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 299 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Sunday
Date: 7/20/2008

PALM INTRANET

Time: 23:47:58

PTA Calculations for Application: 10/772593

Application Filing Date:	02/06/2004	PTO Delay (PTO):	207
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	115
Post-Issue Petitions:	0	Total PTA (days):	299
PTO Delay Adjustment:	207		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
58	07/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	115		
57	07/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	92		
50	01/15/2008	MAIL NOTICE OF ALLOWANCE	66		40
49	01/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
48	01/14/2008	ISSUE REVISION COMPLETED			
47	01/07/2008	DOCUMENT VERIFICATION			
46	01/07/2008	NOTICE OF ALLOWABILITY			
41	10/17/2007	DATE FORWARDED TO EXAMINER			
40	07/10/2007	RESPONSE AFTER NON-FINAL ACTION			
39	02/06/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	02/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	04/10/2007	MAIL NON-FINAL REJECTION			
36	04/05/2007	NON-FINAL REJECTION			
35	02/02/2007	DATE FORWARDED TO EXAMINER			
34	01/24/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
33	02/02/2007	DATE FORWARDED TO EXAMINER			
32	01/24/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
31	02/02/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
30	01/24/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	10/24/2006	MAIL FINAL REJECTION (PTOL - 326)			
28	10/23/2006	FINAL REJECTION			
27	08/24/2006	DATE FORWARDED TO EXAMINER			

26	08/18/2006	RESPONSE AFTER NON-FINAL ACTION			
25	05/24/2006	MAIL NON-FINAL REJECTION			
24	05/22/2006	NON-FINAL REJECTION			
22	07/22/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	10/03/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	03/28/2006	DATE FORWARDED TO EXAMINER			
19	03/20/2006	RESPONSE TO ELECTION / RESTRICTION FILED		115	15
18	03/20/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
16.7	10/03/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	10/03/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	08/25/2005	MAIL RESTRICTION REQUIREMENT	141		-1
14	08/23/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
13	07/22/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
12.7	07/22/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/22/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	05/28/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	05/04/2004	APPLICATION RETURN FROM OIPE			
7	05/04/2004	APPLICATION RETURN TO OIPE			
6	05/04/2004	APPLICATION DISPATCHED FROM OIPE			
5	05/04/2004	APPLICATION IS NOW COMPLETE			
4	03/17/2004	CLEARED BY OIPE CSR			
3	03/17/2004	CASE CLASSIFIED BY OIPE			
2	03/05/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/06/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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